

II. Remarks

Reconsideration and allowance of the present application are respectfully requested.

Claims 1-47 are pending in the application. Claims 1, 10, 22, and 33 are independent.

In Paragraph 2 of the Official Action, the Examiner rejected Claims 22-32 under 35 U.S.C. §112 (second paragraph) as being purportedly indefinite. Applicant traverses this rejection. Reconsideration is requested in light of the following remarks.

The basis of the rejection by the Examiner appears to be the Examiner's belief that the system recited in Claim 22 only comprises a closed zone if and when the confining element is in the second position. The Examiner goes on to assert that it is therefore unclear where the radiation source element is located in the system when the confining element is in the first position.

Initially, and with respect, it is believed that the Examiner has confused the first position and the second position recited in Claim 22. For the purpose of clarifying

Claim 22, Applicant has amended the claim to state that at least a portion of the radiation source element is disposed in the closed zone when the confining element is in the first position. (i.e., not the second position as asserted by the Examiner). With regard to the location of the radiation source element when the confining element is in the second position, Applicant directs the Examiner's attention to Figure 13 of the present application where a moveable confining element is shown. The accompanying text at Paragraph 51 describes movement of the confining element to define a closed zone. The important feature is location of the radiation source element when the confining element is in the first position thereby defining a closed zone for treatment of fluid. Location of the radiation source element when the confining element is in a second position is not particularly relevant. For example, in one embodiment, if the radiation source module is integral with the confining element, at least a portion of the radiation source element may be disposed outside of the open channel (this is shown in the Figures of the present application). In another embodiment, if the confining element in radiation source module are independent of one another, movement of the confining element to the second position could result in radiation source module being unmoved and thus being disposed in the open zone resulting from movement of the confining

element.

The Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 22-32 under 35 U.S.C. §112 (second paragraph).

In Paragraphs 3-6 of the outstanding Official Action, the Examiner rejected Claims 1-4, 6, 10-14 and 17 under 35 U.S.C. §102(e) as being purportedly anticipated by United States patent 6,342,188 [Pearcey et al. (Pearcey)]. This rejection is traversed. Reconsideration is requested in light of the following remarks.

Applicant notes on page 6 of the Official Action, the Examiner comments on the reasons for allowability of Claims 5, 15 and 16 and states:

"It is submitted that the seals of Pearcey et al. are shown to be on their cleaning apparatus or connection members rather than disposed on any of the support members as recited in the instant claims." (emphasis added)

To clarify the invention defined by Claim 1, Applicant has amended the claim to state that the seal is disposed on a first surface of the support member. Accordingly, it is believed that Claim 1, as amended herein,

is commensurate with the basis for the Examiner's reasons for allowability of Claims 5, 15 and 16. Thus, it is believed that the subject matter of Claim 1 distinguishes over Pearcey.

With regard to Claim 10, the Examiner will note that Applicant has amended this claim to clarify that the radiation source module, in combination with the open channel, confines fluid to be treated in a closed fluid treatment zone. In contrast, the radiation source module taught by Pearcey does not combine with the open channel to confine fluid to be treated in a closed fluid treatment zone. In fact, the fluid treatment system taught by Pearcey is a contains an open treatment zone. Thus, it is believed that Claim 10 distinguishes over Pearcey.

It is believed that the rejection of Claims 2-4, 6, 11-14 and 17, will fall if the Examiner is persuaded by the above remarks concerning Claims 1 and 10.

The Examiner is requested to reconsider and withdraw the objection of claims under 35 U.S.C. §102(e).

In Paragraphs 7 and 8, the Examiner rejected Claims 8, 9, 20 and 21 under 35 U.S.C. §103(a). It is believed this

rejection will fall if the Examiner is persuaded by the above remarks concerning independent Claims 1 and 10.

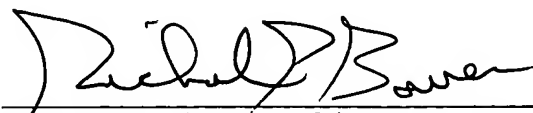
With reference to Paragraph 9, Applicant gratefully acknowledges the Examiner's indication of allowable subject matter in Claims 5, 7, 15, 16, 18 and 19.

Further, Applicant gratefully acknowledges allowance of Claims 33-47.

In view of the above amendments and remarks, it is believed that this application is now in condition for allowance, and a Notice thereof is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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